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In re Application of	:	DECISION ON
KO et al	:	
Application No.: 10/589,711	:	
PCT No.: PCT/US2004/011794	:	
Int. Filing Date: 16 April 2004	:	PETITION UNDER
Priority Date: 17 February 2004	:	
Attorney's Docket No.: CHOP 0225	:	
For: GENE AND CELL DELIVERY SELF	:	
EXPANDING POLYMER STENTS	:	37 CFR 1.181

This decision is in response to applicants' "PETITION UNDER 37 CFR 1.181 FOR REMOVAL OF THE REQUIREMENT FOR A SEQUENCE LISTING" filed on 08 June 2007, requesting the requirement for a sequence listing be withdrawn.

### **BACKGROUND**

On 17 August 2006, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, *inter alia*, the requisite basic national fee as required by 35 U.S.C. 371(c)(1). However, no executed Declaration as set forth by 35 U.S.C. 371(c)(4) was filed on such time.

On 16 April 2007, the United States Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that the oath or declaration complying with 37 CFR 1.497(a) and (b), identifying the application by International application number and international filing date and that the current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68. The Notification also stated, *inter alia*, that a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 CFR 1.821(c). The Notice indicated that all the items listed must be furnished within the time period set forth. The notification set a two (2) month time limit or 32 months from the priority date for the application, whichever is later to respond. Failure to properly respond would result in abandonment.

On 08 June 2007, applicants filed, *inter alia*, an executed declaration, and the current petition to withdraw the request for the sequence listing requirement.

**DISCUSSION**


A review of the file shows that applicants did not appear to disclose a specific nucleotide or amino acid sequences. No specific sequence listing appears to have been identified in the aforementioned application; consequently, no sequence listing is necessary.

**DECISION**

The petition under 37 CFR 1.181 is **GRANTED**.

The Notification of Missing Requirements (Form PCT/DO/EO/905) mailed on 16 April 2007 with respect to requesting the Sequence Listing as required by 37 CFR 1.821(c) is **VACATED**. The Sequence Listing request is **Withdrawn**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing under 35 U.S.C. 371. The 35 USC 371(c)(1), (c)(2), and (c)(4) date and the date of completion of all 35 USC 371 requirements of this application is **08 June 2007**.

  
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